

Date: August 25, 2000

DSL-BQA-00-065

To: Home Health Agencies

HHA 25

From: Otis Woods, Section Chief
Health Services Section

Via: Susan Schroeder, Director
Bureau of Quality Assurance

Physician Orders by FAX in HHAs – INFORMATION

The Bureau of Quality Assurance (BQA) received the following clarification as Electronic Regional Program Letter #2000-24 from the federal Health Care Financing Administration, Division of Survey and Certification, Chicago Regional Office. **The enclosed letter explains the position of the federal Health Care Finance Administration on the faxing of signed physician orders.**

Questions may be directed to Barbara Woodford, Nurse Consultant, at (608) 264-9896, to Jane Walters, Supervisor, at (608) 267-7389, or to Juan Flores, Supervisor, (608) 261-7824.

HEALTH CARE FINANCING ADMINISTRATION
Chicago Regional Office, Midwest Consortium

Electronic Regional Program Letter #2000-24

DATE: August 17, 2000

FROM: HCFA, Chicago Regional Office
Division of Survey and Certification

SUBJECT: Physician Orders by FAX in HHAs - INFORMATION

TO: State Survey Agency Directors

The following is recent Central Office policy guidance on the acceptance of physician orders by fax machine in HHAs without following the fax order with the original order.

The Medicare Home Health Agency Manual, Transmittal 277, dated April 1996 states: "The plan of care or oral order may be transmitted by facsimile machine. The HHA is not required to have the original signature on file. However, the HHA is responsible for obtaining original signatures if an issue surfaces that would require verification of an original signature." It further states: "While the regulations specify that documents must be signed, they do not prohibit the transmission of the plan of care or oral order via facsimile machine. You are not required to have the original signature on file. However, you are responsible for obtaining original signatures if an issue surfaces that would require verification of an original signature." The HHA should be able to provide original orders within a reasonable timeframe upon the surveyor's request. The Medicare Reference Guide For Home Health Agencies, dated August, 1999, states: "We will accept a facsimile (FAX) physician signature on the HCFA-485 and on additional order forms. You must be able to obtain a copy of the physician's order with the original signature, if requested.

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The Interpretive Guidelines for HHAs, Guidance to Surveyors, under 42 CFR 484.18(a), states: "...Policies should also specify if the HHA: Accepts signed physician certification and recertification of plans of care, as well as signed orders changing the plan of care, by telecommunication systems ("fax"), which are filed in the clinical record."

There were two previous memoranda on this subject dated February. 13, 1992, and May 3, 1993. The information provided in the May 1993 memorandum supersedes that of the February 1992 memorandum. Current policy, as stated in the May 1993 memorandum and in the above citations, permits the use of fax transmission to obtain the physician's orders for the patient.

Additionally, CO provided clarification of a State agency's requirement that mandated a physician's signature for verbal orders in the clinical record within fourteen (14) days. HCFA's policy has always been to defer to the state's policy if it is more stringent than the Federal requirement. 42 CFR 484.12(a) states "The HHA and its staff must operate and furnish services in compliance with all applicable Federal, State, and local laws and regulations." Therefore, we would expect the HHA to comply with the State's policy of "All physicians' verbal orders for care shall be signed and incorporated into the clinical record within fourteen (14) days."

If you have any questions about this policy clarification, please contact your Branch Manager or the Principal Program Representative assigned to your State.

/s/
Charles Bennett
Branch Manager
Survey and Certification Program
Coordination and Improvement